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EXAMINER

WORJLOH, JALATEE

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/751,078	MANTENA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jalatee Worjloh	3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

1. Claims 1-45 have been examined.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 200 (see pg. 7, line 5). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 2, 8, 31, 32 and are rejected under 35 U.S.C. 102(a) as being anticipated by “Vetcentric.com Web-Enables Veterinary Supply Chain Using Neon Technology”, Dialog file 613, accession no. 00373116, to PR Newswire.

Referring to claims 1, 2, 31, and 32, PR Newswire discloses electronically receiving a sales order in a private electronic environment from a purchaser in a public electronic environment, obtaining an electronic order confirmation, comprising an entitled price and an estimated date or delivery, within the private electronic environment while the purchase waits and automatically returning the electronic order confirmation from the private electronic

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environment to the public electronic environment for providing to the purchaser; wherein the public electronic environment comprises a front end application, wherein the private electronic environment comprises a back end Enterprise Resource Planning (ERP) application, wherein the electronically receiving comprises electronically receiving by the back end ERP application the sales order from the front end application, wherein the obtaining comprises obtaining the electronic order confirmation from the back end ERP application, and wherein the automatically returning comprises automatically returning the electronic order confirmation from the back end ERP application to the front end application; wherein the ERP comprises SAP (see entire document). Note. Although, the article does not explicitly teach the order confirmation includes an entitled price, and date of delivery; it is known in the art that order confirmation comprises price and delivery date for tracking order status.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-7, 10, 11, 33-38, 40 and 41 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Dialog file 613, accession no. 00373116 as applied to claim 2 and 33 above, and further in view of "Candle and AT&T Team up at SAPPHIRE Conference to Demonstrate Any-

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To-any Application Integration for SAP R/3 Application via the Web or Lotus Notes”, Dialog file 20, accession no. 02821200, to PR Newswire.

Referring to claims 3-7, 10, 11, 33-38, 40 and 41, PR Newswire (dialog file 613, accession no. 00373116) discloses electronically receiving comprises electronically receiving the sales order by the ERP application. PR Newswire (dialog file 613, accession no. 00373116) does not expressly disclose receiving from messaging middleware. PR Newswire (dialog file 20, accession no. 02821200) discloses receiving the sales order by the ERP application from messaging middleware; the method further comprising electronically sending a command to the ERP application from the messaging middleware; wherein the messaging middleware comprises MQSERIES or MSMQ and the ERP application comprises SAP; wherein the front end application comprises a browser, and wherein the public electronic environment comprises a global computer network (see paragraphs 5 and 6). Note. PR Newswire (dialog file 20, accession no. 02821200) discloses an ERP system called ERPNet that “easily allow distributors to order merchandise through the web”; the ERPNet consists of a web-browser front-end application, “communicating to an SAP R/3 system over IBM’s MQSeries or Microsoft’s MSMQ, back-end application”, which infers receiving the sales order by the ERP application from messaging middleware and sending a command to the ERP. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by PR Newswire (dialog file 613, accession no. 00373116) to include the step of receiving the sales order by the ERP application form messaging middleware. One of ordinary skill in the art would have been motivated to do this because it provides means for software integration for data exchange, improving e-commerce transactions.

7. Claims 9 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over PR Newswire (dialog file 613, accession no. 00373116) as applied to claim 2 and 32 respectively above, and further in view of "Boeing takes off with Baan", dialog file 245, accession no. 00109318, to InfoWorld.

PR Newswire (dialog file 613, accession no. 00373116) discloses ERP application (see claim 2 above). PR Newswire (dialog file 613, accession no. 00373116) does not expressly disclose the ERP application comprises BAAN. InfoWorld discloses the ERP application comprises BAAN (see entire document). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by PR Newswire to include the step wherein the ERP application comprises BAAN. One of ordinary skill in the art would have been motivated to do this because it effectively "links 18,000 users in four geographical regions, 19 manufacturing sites, and six database servers to handle as many as 6,000 concurrent users"; thus, providing sufficient integration.

8. Claims 12, 13, 42 and 43 rejected under 35 U.S.C. 103(a) as being unpatentable over Dialog file 613, accession no. 00373116 and Dialog file 20, accession no. 02821200, to PR Newswire as applied to claim 10 above, and further in view of US Patent No. 6418448 to Sarkar.

PR Newswire (Dialog file 20, accession no. 02821200) discloses electronically receiving by the ERP application the sales order form messaging middleware, and wherein the automatically (see paragraphs 5 and 6). Note. PR Newswire (dialog file 20, accession no. 02821200) discloses an ERP system called ERPNet that "easily allow distributors to order merchandise through the web"; the ERPNet consists of a web-browser front-end application,

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“communicating to an SAP R/3 system over IBM’s MQSeries or Microsoft’s MSMQ, back-end application”, which infers receiving the sales order by the ERP application from messaging middleware. PR Newswire (Dialog file 20, accession no. 02821200) does not expressly disclose sending the electronic order confirmation from the ERP application to the messaging middleware, forwarding the electronic order confirmation from the messaging middleware to a global computer network site server on the global computer network, and returning the electronic order confirmation from the global computer network site server to the browser. Sarkar discloses sending the electronic order confirmation from the ERP application to the messaging middleware, forwarding the electronic order confirmation from the messaging middleware to a global computer network site server on the global computer network, returning the electronic order confirmation from the global computer network site server to the browser, and encrypting and decrypting the electronic order confirmation between the browser and the global computer network site server (see col. 9, lines 32-67; col. 10, lines 1-9). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by PR Newswire (Dialog file 20, accession no. 02821200) to include the steps of sending the electronic order confirmation from the ERP application to the messaging middleware, forwarding the electronic order confirmation from the messaging middleware to a global computer network site server on the global computer network, and returning the electronic order confirmation from the global computer network site server to the browser. One of ordinary skill in the art would have been motivated to do this because it provides means for software integration for data exchange, thus, improving e-commerce transactions.

9. Claims 14, 15, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over PR Newswire as applied to claims 1 and 31 above.

PR Newswire disclosing the electronically receiving a sales order in a private electronic environment from a purchaser in a public electronic environment (see claim 1 above). PR Newswire does not expressly disclose the sales order is a made-to-order item or an out-of-stock item. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the step recited. Receiving a sales order step will be performed the same regardless of the order item. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the invention was made to receive orders of any type, because such item does not functionally relate to the steps in the method claimed and because the subjective interpretation of the item does not patentably distinguish the claim invention.

10. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Vetcentric.com Web-Enables Veterinary Supply Chain Using Neon Technology”, Dialog file 613, accession no. 00373116, to PR Newswire in view of Sarkar.

PR Newswire discloses electronically receiving a sales order in a private electronic environment from a purchaser in a public electronic environment, obtaining an electronic order confirmation, comprising an entitled price and an estimated date or delivery, within the private electronic environment while the purchase waits and automatically returning the electronic order



confirmation from the private electronic environment to the public electronic environment for providing to the purchaser; wherein the public electronic environment comprises a front end application, wherein the private electronic environment comprises a back end Enterprise Resource Planning (ERP) application, wherein the electronically receiving comprises electronically receiving by the back end ERP application the sales order from the front end application, wherein the obtaining comprises obtaining the electronic order confirmation from the back end ERP application, and wherein the automatically returning comprises automatically returning the electronic order confirmation from the back end ERP application to the front end application; wherein the ERP comprises SAP (see entire document). Note. Although, the article does not explicitly teach the order confirmation includes an entitled price, and date of delivery; it is known in the art that order confirmation comprises price and delivery date for tracking order status. PR Newswire does not expressly disclose means for performing the steps [it can be presume]. Sarkar discloses computers for interacting in the ERP system (see col. 8, lines 38-60). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by PR Newswire to include means for performing the steps of electronically receiving sales order, obtaining an electronic order confirmation and automatically returning the electronic order confirmation. One of ordinary skill in the art would have been motivated to do this because it provides the purchaser with assurance that his order is being process.

11. Claims 18-23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable Dialog file 613, accession no. 00373116 and Sarkar as applied to claim 17 above, and further in view of "Candle and AT&T Team up at SAPPHIRE Conference to Demonstrate Any-To-any

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Application Integration for SAP R/3 Application via the Web or Lotus Notes”, Dialog file 20, accession no. 02821200, to PR Newswire.

PR Newswire (dialog file 613, accession no. 00373116) discloses electronically receiving comprises electronically receiving the sales order by the ERP application. PR Newswire (dialog file 613, accession no. 00373116) does not expressly disclose means for receiving from messaging middleware. PR Newswire (dialog file 20, accession no. 02821200) discloses means for receiving the sales order by the ERP application from messaging middleware; the method further comprising means for electronically sending a command to the ERP application from the messaging middleware; wherein the messaging middleware comprises MQSERIES or MSMQ and the ERP application comprises SAP; wherein the front end application comprises a browser, and wherein the public electronic environment comprises a global computer network (see paragraphs 5 and 6). Note. PR Newswire (dialog file 20, accession no. 02821200) discloses an ERP system called ERPNet that “easily allow distributors to order merchandise through the web”; the ERPNet consists of a web-browser front-end application, “communicating to an SAP R/3 system over IBM’s MQSeries or Microsoft’s MSMQ, back-end application”, which infers receiving the sales order by the ERP application from messaging middleware and sending a command to the ERP. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by PR Newswire (dialog file 613, accession no. 00373116) to include the step of receiving the sales order by the ERP application form messaging middleware. One of ordinary skill in the art would have been motivated to do this because it provides means for software integration for data exchange, improving e-commerce transactions.

12. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over PR Newswire (dialog file 613, accession no. 00373116) as applied to claim 2 above, and further in view of “Boeing takes off with Baan”, dialog file 245, accession no. 00109318, to InfoWorld.

PR Newswire (dialog file 613, accession no. 00373116) discloses ERP application (see claim 2 above). PR Newswire (dialog file 613, accession no. 00373116) does not expressly disclose the ERP application comprises BAAN. InfoWorld discloses the ERP application comprises BAAN (see entire document). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by PR Newswire to include the step wherein the ERP application comprises BAAN. One of ordinary skill in the art would have been motivated to do this because it effectively “links 18,000 users in four geographical regions, 19 manufacturing sites, and six database servers to handle as many as 6,000 concurrent users”; thus, providing sufficient integration.

13. Claims 27 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Dialog file 613, accession no. 00373116 and Dialog file 20, accession no. 02821200, to PR Newswire as applied to claim 10 above, and further in view of US Patent No. 6418448 to Sarkar.

PR Newswire (Dialog file 20, accession no. 02821200) discloses electronically receiving by the ERP application the sales order from messaging middleware, and wherein the automatically (see paragraphs 5 and 6). Note. PR Newswire (dialog file 20, accession no. 02821200) discloses an ERP system called ERPNet that “easily allow distributors to order merchandise through the web”; the ERPNet consists of a web-browser front-end application, “communicating to an SAP R/3 system over IBM’s MQSeries or Microsoft’s MSMQ, back-end

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application”, which infers receiving the sales order by the ERP application from messaging middleware. PR Newswire (Dialog file 20, accession no. 02821200) does not expressly disclose means for sending the electronic order confirmation from the ERP application to the messaging middleware, means for forwarding the electronic order confirmation from the messaging middleware to a global computer network site server on the global computer network, and means for returning the electronic order confirmation from the global computer network site server to the browser. Sarkar discloses means for sending the electronic order confirmation from the ERP application to the messaging middleware, means for forwarding the electronic order confirmation from the messaging middleware to a global computer network site server on the global computer network, means for returning the electronic order confirmation from the global computer network site server to the browser, and encrypting and decrypting the electronic order confirmation between the browser and the global computer network site server (see col. 8, lines 38-60; col. 9, lines 32-67; col. 10, lines 1-9). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by PR Newswire (Dialog file 20, accession no. 02821200) to include means for sending the electronic order confirmation from the ERP application to the messaging middleware, means for forwarding the electronic order confirmation from the messaging middleware to a global computer network site server on the global computer network, and mans for returning the electronic order confirmation from the global computer network site server to the browser. One of ordinary skill in the art would have been motivated to do this because it provides means for software integration for data exchange, thus, improving e-commerce transactions.

14. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over PR Newswire as applied to claim 16 above.

PR Newswire disclosing the electronically receiving a sales order in a private electronic environment from a purchaser in a public electronic environment (see claim 1 above). PR Newswire does not expressly disclose the sales order is a made-to-order item or an out-of-stock item. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the step recited. Receiving a sales order step will be performed the same regardless of the order item. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the invention was made to receive orders of any type, because such item does not functionally relate to the steps in the method claimed and because the subjective interpretation of the item does not patentably distinguish the claim invention.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dialog file 610, accession no. 00298748, "MINOLTA-QMS Extends E-commerce Activities with Worldwide SAP Implementation"

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306, 703-746-9443 for Non-Official/Draft.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, V.A., Seventh floor receptionist.

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September 8, 2003

  
**JAMES P. TRAMMELL  
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